

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

KOLU STEVENS;
PATRICK GREENHOE; and
CLAUDETTE GREENHOE;
Plaintiffs,

Case No.: 18-cv-757
Honorable Paul L. Maloney

STIPULATION AND ORDER

v.

MICHIGAN STATE COURT
ADMINISTRATIVE OFFICE;
MILTON L. MACK, JR., in his
official capacity as the Administrator
of the Michigan State Court
Administrative Office;
KIM B. MEAD, in his official
capacity as Bay County Probate
Court Administrator;
WILLIAM M. HEFFERAN, in his
official capacity as Antrim County
Circuit Court – Family Division
Administrator,
Defendants

_____/

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STIPULATION

NOW COME Plaintiffs KOLU STEVENS, PATRICK GREENHOE, and CLAUDETTE GREENHOE, by counsel, and Defendant MICHIGAN STATE COURT ADMINISTRATIVE OFFICE, by counsel, and stipulate to entry of the following order. In support of entry of said order, these parties state as follows:

1. On July 9, 2018, Plaintiffs KOLU STEVENS, PATRICK GREENHOE, and CLAUDETTE GREENHOE, by counsel, filed their Complaint (ECF No. 1) and a First Amended Complaint (ECF No. 2) naming Defendant MICHIGAN STATE COURT ADMINISTRATIVE OFFICE.

2. After filing and obtaining a waiver of service (ECF No. 6) from Thomas Clement as General Counsel for the Michigan Supreme Court, Plaintiffs' counsel wrote a letter to Mr. Clement indicating that Defendant MICHIGAN STATE COURT ADMINISTRATIVE OFFICE can successfully invoke Eleventh Amendment immunity if it desires not to consent to this federal lawsuit, and offered to voluntarily dismiss this defendant if it does not wish to consent to suit and thereby waive Eleventh Amendment immunity (as is its right).

3. In a letter dated August 8, 2018, Defendant MICHIGAN STATE COURT ADMINISTRATIVE OFFICE, by Michigan Assistant Attorney

General Meredith R. Beidler, indicated that it declines the request to consent to suit or waive its Eleventh Amendment immunity.

4. Therefore, these parties, by counsel, agree to dismiss Defendant MICHIGAN STATE COURT ADMINISTRATIVE OFFICE given its decision to decline to waive Eleventh Amendment immunity as pursuing the same would be futile.

5. Counsel for these parties agree that the attached order dismissing Defendant MICHIGAN STATE COURT ADMINISTRATIVE OFFICE without costs or attorney fees may and should enter.

/s/ Philip L. Ellison
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_____ /

**ORDER DISMISSING DEFENDANT
MICHIGAN STATE COURT ADMINISTRATIVE OFFICE**

Upon the representations of counsel for the parties for the reasons outlined in the stipulation on the basis of Eleventh Amendment immunity, the Court hereby dismisses Defendant MICHIGAN STATE COURT ADMINISTRATIVE OFFICE without costs or attorney fees to any party.

IT IS SO ORDERED.

Date: _____

Hon. Paul L. Maloney
Federal District Judge